

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AUTHORIZING CITY MANAGER TO FILE A FINANCIAL ASSISTANCE APPLICATION FOR A FINANCING AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE CONSTRUCTION OF THE MILPITAS GROUNDWATER ABSTRACTION PROGRAM

WHEREAS, on May 5, 2015, the City Council of the City of Milpitas (the “City”) accepted the Water Supply Augmentation Study and approved moving forward with next steps on three programs: recycled water, groundwater, and conservation-related infrastructure improvements; and

WHEREAS, on June 16, 2015, the City Council approved consulting services for the Milpitas Groundwater Abstraction Project (the “Project”) which included preparation of an application for financing under the State Revolving Fund Funding Program administered by the State Water Resources Control Board’s Division of Financial Assistance; and

WHEREAS, various documents are required to be filed with the State Water Resources Control Board related to the Drinking Water State Revolving Fund and Other Eligible Funding Program.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Manager (the “Authorized Representative”) or designee is hereby authorized and directed to sign and file, for and on behalf of the City, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Project.
3. The Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.
4. The Authorized Representative, or his/her designee, is designated to represent the City in carrying out the City’s responsibilities under the financing agreement, including certifying disbursement requests on behalf of the City and compliance with applicable State and federal laws.

PASSED AND ADOPTED this ____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MILPITAS AUTHORIZING THE CITY MANAGER TO FILE A FINANCIAL ASSISTANCE APPLICATION FOR A FINANCING AGREEMENT WITH THE STATE WATER RESOURCES CONTROL BOARD FOR THE CONSTRUCTION OF THE MILPITAS CONSERVATION TECHNOLOGY PROGRAM

WHEREAS, on May 5, 2015, the City Council of the City of Milpitas (the “City”) accepted the Water Supply Augmentation Study and approved moving forward with next steps on three programs: recycled water, groundwater, and conservation-related infrastructure improvements; and

WHEREAS, on June 16, 2015, the City Council approved consulting services for the Milpitas Conservation Technology Project (the “Project”) which included preparation of an application for financing under the State Revolving Fund Funding Program administered by the State Water Resources Control Board’s Division of Financial Assistance; and

WHEREAS, various documents are required to be filed with the State Water Resources Control Board related to the Drinking Water State Revolving Fund and Other Eligible Funding Program.

NOW, THEREFORE, the City Council of the City of Milpitas hereby finds, determines, and resolves as follows:

1. The City Council has considered the full record before it, which may include but is not limited to such things as the staff report, testimony by staff and the public, and other materials and evidence submitted or provided to it. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.
2. The City Manager (the “Authorized Representative”) or designee is hereby authorized and directed to sign and file, for and on behalf of the City, a Financial Assistance Application for a financing agreement from the State Water Resources Control Board for the planning, design, and construction of the Project.
3. The Authorized Representative, or his/her designee, is designated to provide the assurances, certifications, and commitments required for the financial assistance application, including executing a financial assistance agreement from the State Water Resources Control Board and any amendments or changes thereto.
4. The Authorized Representative, or his/her designee, is designated to represent the City in carrying out the City’s responsibilities under the financing agreement, including certifying disbursement requests on behalf of the City and compliance with applicable State and Federal laws.

PASSED AND ADOPTED this ____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Christopher J. Diaz, City Attorney